Remarks

Reconsideration and allowance of the above referenced application are respectfully requested.

A number of amendments are made to the claims to further distinguish over the cited prior art.

These amendments also obviate the informalities noted by the rejection.

Claims 1-3, 6, 7, 13, 19 and 47 stand rejected under 35 USC 10 to be as allegedly being anticipated by Fazan. This contention is respectfully traversed, and for reasons set forth herein, it is respectfully suggested that the rejection does not meet the patent office's burden of providing a prima facie showing of unpatentability.

Claim 1 defines a method for forming a vertical ferrocapacitor. The process beings with the placement of a conductive layer, which is subsequently etched to leave electrodes above alternate conduct plugs. A ferroelectric layer is then placed and subsequently etched to form gaps above the remaining contact plugs. A ferroelectric layer is then placed and subsequently etched to form gaps above the remaining contact plugs. The gaps are then filled with further conductive material to form further electrodes. The nature of each etch is such that the sides of the electrodes are inclined and as the electrodes are formed with the first placement and last

placement of material, adjacent electrodes have substantially parallel faces, so as to provide a more uniform thickness of ferroelectric material, thus enables compensation to be obtained for the tapered electrodes.

U.S. 6,269,125 (Fazan) discloses a method of forming a vertical capacitor. Figures 2 to 13 and columns 5 to 7 describe similar structures.

As with claim 1, the conductive layer 34 is place first (Fig. 3) and etched to form electrodes 35 (Fig. 5). A ferroelectric layer 40 (Fig. 6) is placed over the top and conductive material to form a second electrode 42 placed with the gaps formed by the etching of the regional conductive layer 34.

However, the etching of the original conductive layer 34 to form the electrodes 35 does not place them on the contact plugs, but instead the conductive layer is etched to form electrodes intermediate the contact plugs 30.

Further, the ferroelectric layer 40 is not etched until after the placement of the second conductive material 44. If the conductive material is element 52, then while these are placed upon the contact plugs 30, they are not placed upon alternate contact plugs, but upon each contact plug. Thus, the structure of the citation substantially includes conductive material 52, which is placed last upon each of the contact plugs

30 with two ferroelectric material regions 44 intermediate the conductive material 52. Further, the original conductive material 35 is placed intermediate the ferroelectric material 44.

Therefore, the claims are novel over the prior art.

The rejection further combines Fazan with the admitted prior art within the application for the remaining claims as being obvious.

As discussed, Fazan does not disclose the conductive material being etched to form electrodes on alternate contact plugs to claim 1. By combining Fazan with the admitted prior art in the background of the present application, the step of etching a conductive layer to produce electrodes on alternate plugs is still lacking and therefore not only does Fazan not anticipate the claims of the present application. Further, a combination with the disclosed prior art does not solve this shortcoming as a key feature of claim 1 and subsequent claims not disclosed in the citations.

Therefore, the claims are not obvious over the prior art.

Applicant asks that all claims be allowed. Applicant includes a Petition for Extension of Time for one month. Please

apply any and all charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 5/10/05

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